



Martin O'Malley, *Governor*  
Anthony G. Brown, *Lt. Governor*  
Malcolm D. Woolf, *Director*

**QUESTIONS AND ANSWERS # 1**  
**Request for Proposals High Resolution Geophysical Resource Survey**  
**For the Maryland Energy Administration**  
**PROJECT NO. DEXR240005**  
**August 24, 2012**

Ladies/Gentlemen:

This List of Questions and Answers #2, questions #11 through #20 is being issued to clarify certain information contained in the above named RFP. The statements and interpretations of Contract requirements which are stated in the following questions of potential Offerors, are not binding on the State, unless the State expressly amends the RFP. Nothing in the State's responses to these questions is to be construed as agreement to or acceptance by the State of any statement or interpretation on the part of the vendor asking the question as to what the contract does or does not require. However, if from a particular vendor question(s) it seems as if the vendor has misinterpreted RFP wording referenced in a question, the State's response typically will point out the misinterpretation as part of the answer to the question.

11. **QUESTION:** RFP Section 2.3.2b states, "Line spacing for bathymetric charting using multi-beam technique or side scan sonar mosaic construction shall be suitable for the water depths encountered and provide both full coverage of the seabed plus suitable overlap and resolution of small discrete targets of 0.5m - 1.0m in diameter." The inclusion of "or" in this statement must be clarified as it will have significant impact on the technical and financial aspects of the project.

**STATE RESPONSE:** The MEA has modified RFP section 2.3.2b. The "or" is changed to "and". See Addendum #2.

12. **QUESTION:** RFP Section 2.2.1a states, "Use a multi-beam bathymetry system, particularly in areas characterized by complex topography or fragile habitats." The lack of standardization, whether International Hydrographic Organization (IHO: <http://www.iho.int/srv1/>), NOAA (<http://www.nauticalcharts.noaa.gov/hsd/specs/specs.htm>) or US Army Corps of Engineers ([http://publications.usace.army.mil/publications/eng-manuals/EM\\_1110-2-1003\\_pfl/toc.htm](http://publications.usace.army.mil/publications/eng-manuals/EM_1110-2-1003_pfl/toc.htm)) creates an unequal technical and financial proposal environment. Without specifying the general type of sounding and navigation / motion equipment leaves a large range of potential technologies that can be considered a "multi-beam bathymetry systems". A potential contractor may propose an interferometric system with a gyro that has a very high swath width and combines the sidescan while another contractor may propose a hard mounted beam formed system with an inertial navigation system. Two very different costs and two very different data qualities but both considered multi-beam.

**STATE RESPONSE:** MEA has modified the requirement to standardize multi-beam bathymetry and side-scan sonar requirements according to standards identified by the U.S. National Oceanic and Atmospheric

Administration (NOAA) and available at <http://www.nauticalcharts.noaa.gov/hsd/specs/specs.htm>. Please, see Addendum #2.

13. **QUESTION:** RFP Section 2.7 Invoicing, Amendment No. 1. As a small business and potential subcontractor playing a considerable role in the project we are concerned with the exclusion of monthly invoicing. The expenditures necessary for each phase will be substantial for a small business to absorb before payment. In addition, it is an industry standard that the Prime will not release payment to the Subcontractor until they are paid by the client and typically reserve 30 days to do so. In our experience, this can translate into several months that the small business has to finance the project before being paid. The deletion of section 2.7 in the original solicitation creates a scenario more favorable for large business to perform the larger roles in the project versus a small business. We ask that MEA consider reinstating the original section 2.7 or an alternate invoicing scenario more favorable to the small business concern.

**STATE RESPONSE:** In response to the statement above about industry standards that the Prime will not release payment to the sub, all potential prime contractors must read and understand RFP section 1.32 Prompt Payment Requirement and Attachment A Contract, §28 for important requirements on payments to sub-contractors. The MEA has modified the invoicing section to allow for a partial payment within each phase. See Addendum #2.

14. **QUESTION:** Amendment No. 1 for this Solicitation deleted in its entirety Section 2.7 (page 22 of the original Solicitation) related to Invoicing and monthly payments based on a 70% calculation of the total fixed price for the three phases of work. The Amendment indicates that payment will now be made only at the end of each of the three phases with MEA withholding a 10% retainage on all invoices. In order to prevent this disadvantage, we would like to request that MEA examine other potential payment terms that would support significant involvement by smaller business. One potential solution would be to re-institute monthly billing with invoices tied to monthly status reports as project milestones, as well as adopting a retainage of 15% in accordance with industry standards.

**STATE RESPONSE:** The payment requirement has been modified. See response to Question 13.

15. **QUESTION:** The scope of work described for Section 2.2.1 of the RFP (Bathymetry/Depth Sounding) identifies multibeam bathymetry as the preferred means of data acquisition, but provides no reference regarding the survey standards [i.e., NOAA Charting, International Hydrographic Organization (IHO) Order 1a] to be followed. In addition, the guidance provided in Section 2.2.3 (Survey Methodologies) bullet 2.2.3.b is ambiguous as to the State's preference/need for complete bottom coverage using multibeam bathymetry. Given the water depth within the MD WEA, the distinction between partial and full bottom coverage will have a significant impact on the technical approach and in turn the proposed cost of the survey.

The selection of a survey standard will provide the necessary guidance to offerors in terms of bottom coverage (full or partial), sounding accuracy and water-level corrections. In addition, the survey standard will also serve as a means to gauge the quality of the approach proposed by each offeror relative to well-defined requirements of the State.

**STATE RESPONSE:** See response to Question 12 and Addendum #2. The MEA has amended the requirements of RFP to establish a standard.

16. **QUESTION:** Is there a requested map scale and map page size in Section 2.4.3 Maps (page 18)? This information is necessary to compute a cost for map deliverables.

**STATE RESPONSE:** The MEA has amended the requirements to include the minimum required map scale of 1:40,000 and the page size must accommodate the scale. See Addendum #2

17. **QUESTION:** Is the Continental Shelf Lands Act coverage requirement in Section 2.8 Insurance H (page 24) correct? It is our understanding that this coverage applies to fixed structures only and not vessel operations.

**STATE RESPONSE:** The MEA has amended the requirements to delete the Continental Shelf Land Act insurance requirement. See Addendum #2

18. **QUESTION:** Is the prime contractor required to hold a Maryland business license?

**STATE RESPONSE:** RFP section 1.26 states in part, "By submitting a proposal in response to this RFP, the Offeror, if selected for award, agrees that it will comply with all Federal, State and Local laws applicable to its activities and obligations under the contract....." RFP section 1.28 states in part, "Before a corporation can do business in the State it must be registered with the Department of Assessments and Taxation...."

A Contractor, if required to obtain a Maryland Business license, for certain activities and services may be able to determine whether a business license is required by researching the Maryland Business and Economic Development web site that can be found at : <http://www.choosemaryland.org/blis/pages/default.aspx>.

A Corporation must be registered with the Department of Assessments and Taxation to do business in Maryland.

19. **QUESTION:** In light of the technical specificity required for this RFP and the difficulty with finding technically qualified geophysical Minority Business Enterprises (MBE) and/or Veteran-Owned Small Businesses (VOSB), can the individual MBE and VOSB requirements be treated as cumulative instead? In other words, if the Prime Contractor is able to find a technically acceptable MBE for 10.5% (or greater) of the work, will that sole qualification satisfy both the MBE and the VOSB requirements? This question applies reciprocally as well: if the Prime Contractor is able to find a technically acceptable VOSB for 10.5% (or greater) of the work, will that sole qualification satisfy both the MBE and the VOSB requirements?

**STATE RESPONSE:** The answer to both questions is no. An MBE and a VOSB cannot be combined by using one subcontractor. The prime must have their subs that may meet both classifications to declare which goal they wish to be counted towards.


20. **QUESTION:** If an MBE is the prime contractor, does that count towards the 10% MBE goal, or must the MBE prime also use MBE subs to count towards the 10%?

**STATE RESPONSE:** The answer is no. An MBE prime cannot be counted towards the contract goal of 10%. Maryland law was changed recently so that it places all prime contractors on the same footing and requires that all prime contractors must sub-contract to achieve the goals.

Should you require clarification of the information provided, please contact me via e-mail or (410) 260-7752 as soon as possible.

Date Issued: August 24, 2012

By:

A handwritten signature in black ink that reads "Maria Ulrich". The signature is written in a cursive, flowing style.

Maria Ulrich  
Procurement Officer